

Rocky Flats Coalition of Local Governments

Boulder County City and County of Broomfield Jefferson County
City of Arvada City of Boulder City of Westminster Town of Superior

Rocky Flats Coalition of Local Governments Board Meeting Minutes

Monday, September 8, 2003

8:40 - 10:40 a.m.

**Mt. Evans Room in the Terminal Building
Jefferson County Airport, Broomfield**

Board members in attendance: Hank Stovall (Director, Broomfield), Tom Brunner (Alternate, Broomfield), Mike Bartleson (Alternate, Broomfield), Lorraine Anderson (Director, Arvada), Clark Johnson (Alternate, Arvada), Michelle Lawrence (Director, Jefferson County), Karen Imbierowicz (Director, Superior), Devin Granbery (Alternate, Superior), Paul Danish (Director, Boulder County), Jane Uitti (Alternate, Boulder County), Sam Dixon (Director, Westminster), Ron Hellbusch (Alternate, Westminster).

Coalition staff members and consultants in attendance: David Abelson (Executive Director), Kimberly Chleboun (Program Manager), Melissa Anderson (Technical Program Manager), Joan Fritsche (Seter & Vander Wall, P.C.).

Members of the Public: Dave Shelton (Kaiser-Hill), John Corsi (Kaiser-Hill), Bob Davis (Kaiser-Hill), Karen Wiemelt (Kaiser-Hill), John Rampe (DOE), Joe Legare (DOE), Rick Schassburger (DOE), Laurie Shannon (USFWS), Mark Sattelberg (USFWS), Tim Rehder (EPA), Steve Gunderson (CDPHE), Carl Spreng (CDPHE), Marion Galant (CDPHE), Patricia Rice (RFCAB), Shirley Garcia (Broomfield), Janel Rock (Broomfield), Al Nelson (Westminster), Bob Nelson (Golden), Kristi Pollard (Senator Allard), Kim Cadena (Rep. Beauprez), Phil Cruz (RFSOIU #1), Robert Lynch (RFSOIU #1), Dan Chesshir (RFSOIU #1), Sandy Dazzio (Wackenhut), Roman Kohler (Rocky Flats Homesteaders).

Convene/Agenda Review

Chairman Lorraine Anderson convened the meeting at 8:40 a.m.

Business Items

1) Motion to Approve Consent Agenda - Paul Danish motioned to approve the consent agenda. Michelle Lawrence seconded the motion. The motion passed 6-0.

2) Executive Director's Report - David Abelson reported the following items:

- The shipments of plutonium metals and oxides (weapons grade materials) are complete and the Protected Area security fence is down. The last remaining guard tower will be demolished in October.
- Another structure scheduled to come down in mid October is the water tower.
- Boulder County's letter regarding the refuge is included in the Board packet.
- EPA denied Kaiser-Hill's request to modify sampling and remediation at the 903 Pad, so work

ADMIN RECORD

will continue as it has. Additionally, large slabs of concrete were found buried along the 903 Pad's northern edge last week, but there was no associated contamination.

- CDPHE informed DOE and EPA that they will begin to take a more active role in pushing long-term stewardship, including discussing the establishment of a RFCA milestone for development of the Site's long-term stewardship plan. The State is also looking at various legal mechanisms to deal with enforcement roles post-closure, including the State covenant bill.
- The Rocky Flats Cold War Museum recently released its independent feasibility report. Steve Davis, the Museum's executive director, will brief the Board at the next Board meeting.
- Devin Granbery is the new Alternate for Superior, replacing Matt Magley.
- The October Board meeting falls on Yom Kippur, thus David suggested moving it to either the week prior or after. The Board preferred moving it to September 29th, and Michelle Lawrence confirmed the room would be available.

Public Comment

There was no public comment.

Remedial Investigation/Feasibility Study

Joe Legare (DOE) began by describing how the Site's mission and regulatory mission have changed over time and how they tie in with physical completion of the cleanup. Physical completion is defined by the RFCA and the closure contract with Kaiser-Hill. Kaiser-Hill's contract ends with physical completion, before post-closure care begins. The regulatory mission is currently at the stage of accelerated actions under the RFCA, and this is where the Remedial Investigation/Feasibility Study (RI/FS) comes in to determine if all accelerated actions add up to the final action. The CERCLA regulations require the RI/FS process to analyze the risk of contamination from all the individual actions and verify these actions will be the final action. Hank Stovall asked if there would be an independent review to back up these findings and which agencies would do the final scoping. Joe said the RI/FS takes characterization data and puts it into a risk model to see if the collection of actions is compliant in terms of a final remedy. He said the EPA, CDPHE, and USFWS would be involved in developing the RI/FS and the consultative process, but they had not discussed a peer review. Hank suggested a fresh set of eyes to review a final document would be nice, and Joe said he would consider the idea.

Joe then gave an historical perspective on environmental remediation and explained how little risk reduction achieved from the mid-1980s to mid-1990s led to the RFCA accelerated action approach. EPA had developed a Superfund Accelerated Cleanup Model in which actions are taken immediately to reduce risk and final decisions are made later through the RI/FS and CAD/ROD process. DOE has been implementing this action oriented model through the RFCA for building decontamination and decommissioning and environmental restoration activities. This Site approach to accelerated actions has been conservative in order to obviate the need for additional remediation as part of the final remedy. Hence, DOE believes the RI/FS will ratify the thorough actions already taken.

Joe again reviewed physical completion as defined by the closure contract, mission completion, and regulatory completion. Regulatory completion will be achieved with the completion of all accelerated

actions and obligations under RFCA, with the delisting from the National Priorities List, and with the establishment of DOE's post-closure responsibilities. Kaiser-Hill's contractual endpoint is at the draft RI/FS. Joe said DOE wants to develop the RI/FS now while they still retain the corporate knowledge of Kaiser-Hill personnel. David Abelson asked if Kaiser-Hill would be responsible for developing data to determine post-closure details such as monitoring points and contaminants of concern even though they are not responsible for post-closure care. Joe replied that Kaiser-Hill develops the technical information and field data but it is DOE's responsibility to review proposals from Kaiser-Hill and the regulators and then make decisions. Post-closure care, long-term stewardship, is also DOE's responsibility although it has not yet been decided whether they will contract the work out. David asked who will actually still be onsite at the time of the final RI/FS and signing of final documents. Joe said the draft RI/FS is Kaiser-Hill's contractual endpoint but that is why they are working in parallel, performing accelerated actions and drafting the RI/FS right now, so the draft document is submitted well in advance of physical completion. Dave Shelton (Kaiser-Hill) added Kaiser-Hill will maintain staff and expertise through to the end of their contract, and he does not see their role diminishing until the Site is transferred.

Joe reviewed the iterative process of the RI/FS and described its purpose. The Remedial Investigation investigates the extent of the hazardous substance releases, and determines the risks posed to human health and environment. It also includes the comprehensive risk assessment which analyzes risks to human and ecological receptors. The Feasibility Study develops the remedial action objectives based on an evaluation of protectiveness and of applicability and relevance of requirements. It analyzes the alternatives, including "No Action", to meet these objectives. The RI/FS then forms the basis for the Proposed Plan preferred alternative. Paul Danish said the point of the exercise is to pull together all the information from Kaiser-Hill on what they have accomplished, but it is not an independent audit and the integrity of the report is only as good as the data that goes into it. He said it is admirable to put the information all together in one place, but what is the point of doing it except for having a tidy endpoint. Joe responded that it validates the conservative actions already taken and is regulatory required by CERCLA. Hank clarified that it ties together previous decisions to see if they all mesh and present a reasonable risk to onsite and offsite users. Tim Rehder (EPA) stated that in addition to the human health risk assessments to date, ecological risk will also be determined.

Joe then reviewed the various elements of the RI/FS report and how long-term stewardship fits into the process. He explained that stewardship requirements for individual actions are identified in decision documents and/or closeout reports. The Feasibility Study will incorporate these individual stewardship requirements, as well as Site-wide long-term stewardship activities, into its preferred alternative. These long-term stewardship requirements will then be reflected in the Proposed Plan and CAD/ROD. The effectiveness of post-closure care is periodically evaluated at least every five years under CERCLA. Joe stated the elements of the report are being drafted as information is developed, including characterization data from sampling in the Industrial Area and Buffer Zone and from accelerated actions. They are currently developing the Comprehensive Work Plan and methodology. Dave Shelton said they expect the first draft by June or July 2004.

David Abelson asked about the contractual provision with Kaiser-Hill if the Comprehensive Risk Assessment determines more work must be done. Joe said it depends on what they find, but Kaiser-Hill's work scope is defined. Right now DOE believes they will achieve all their obligations under RFCA but if they are wrong one option would be to ask Kaiser-Hill to do more work with an equitable adjustment to their existing contract.

Original Landfill

Bob Davis (Kaiser-Hill) first described characterization of the Original Landfill, reviewing sampling programs and results of the data review. Except for the surface hot spots (described in depth in prior

presentations), the surface and subsurface soils are below action levels. Additionally, surface water has shown no impact and few groundwater constituents were slightly above background or the action level. Bob stated their investigation into the nature and extent of the landfill further proves that wastes in the landfill are of the type that have not significantly impacted the environment after 35 years as an inactive landfill. Also, erosion has exposed solid waste at the surface, including metal, concrete and general debris further confirming landfill contents. Lorraine Anderson asked if the metal filings found were contaminated with plutonium, and Bob answered that yearly surveys showed they were just stainless steel and no radiation was seen in their scans. Paul Danish asked what the filings were from, and Bob replied machinists made components onsite. Dave Shelton (Kaiser-Hill) added that gloveboxes and ductwork were manufactured onsite.

David Abelson asked what if the two groundwater samples above action levels turn out to be indicators instead of anomalies. Bob said there is no indication that there should be any concerns about groundwater. Sam Dixon said she expected there may have been something they did not catch, and Bob said that is not likely since they have seen nothing in the same components over time. Sam asked if the samples were averaged out, and Bob said yes but with one or two hits out of 158 the average is still very low compared to the action level. Ron Hellbusch asked about barrels in the landfill, and Bob stated their borings down to bedrock and barrels corroded on the surface have not shown any waste in the barrels. Ron said there is still a sense of the unknown and Westminster wants ponds C1 and C2 to remain to protect surface water. Karen Imbierowicz asked if it would be likely that these barrels have corroded after 35 years, and commented that if there was waste in the landfill they should have seen it by now. Bob confirmed it is general industry standard that if they were going to see waste they should have seen it by now. David said uncertainty is one reason long-term stewardship is so important. Paul said the real issue is the mechanism in place to handle situations when something goes wrong. He added that chances are mechanisms will be expensive and not be in place for long and if something outrageous happens Congress will have to take care of it. David said the State is attempting to strengthen institutions and create layers and redundancy of the controls to be put in place. Paul replied the State is downsizing and will not have any money to put towards these controls. John Rampe (DOE) said DOE will put mechanisms in place via decision documents, the CAD/ROD and regulatory agreements, and periodic reviews will certify the remedy continues to be effective.

Bob then moved on to discuss landfill stability. The geotechnical investigation indicates the potential for sliding but many assumptions were made in the analysis. No physical evidence has been seen that indicates that the landfill is sliding. However, additional investigation is needed to further assess the geotechnical conditions and to develop a remedial design and geotechnical monitoring plan. The proposed remedial action plan is to perform limited grading with a maximum slope of 18% to reduce surface features, and cover the landfill with alluvial soil and vegetation. Retaining walls, a groundwater barrier system, and a stability monitoring plan will be further investigated. Melissa Anderson asked about erosion controls and Bob explained controls are still being designed but will most likely consist of vegetation, erosion mats, and channels to direct surface water around the landfill. Jane Uitti asked about the type of vegetation and Bob stated the seed mix has not yet been chosen but the roots will run three-to-nine-feet deep in order to survive arid conditions. Hank asked if there would be compacting and Bob said the yes, the specifics would be established in the design. Sam asked about the fate of the South Interceptor Ditch (SID) and Bob said it would be filled as part of the grading and cover. Melissa clarified that the portion of the SID south of the landfill would be filled but the portion east of it will remain, at least for now. Sam voiced concern about backup controls to protect surface water and John said they are performing analysis of the ponds in parallel to the landfill design. Ron asked about modeling storm events into the design and Bob said they are considering a 25-year storm event as well as a 100-year event. Jane asked what specific triggers they will look at and Bob explained their modeling will take into account existing geotechnical data, key slope stability, weathered and unweathered bedrock.

Bob then described protection of water quality. The Nature and Extent Assessment shows no impact from the landfill and there is no indication of landfill wastes sliding toward Woman Creek. The proposed remedial action will cover the waste and increase structural stability and post-closure institutional controls and monitoring and maintenance will help to protect water quality. Bob also reviewed the proposed post-remedial action monitoring plans. Paul asked who would do this monitoring. Bob stated Kaiser-Hill is putting together the plans but DOE would be responsible for implementing them indefinitely. Annual monitoring reports would be produced summarizing findings, and the CERCLA five-year review would also review remedy effectiveness.

Bob reviewed additional post-closure requirements including institutional controls. Institutional controls will prohibit: excavation of the cover; construction of roads and trails on the cover; drilling on the cover and immediate vicinity of the cover; and, disturbance of monitoring points. There will also be signs listing restrictions and administrative controls through easements or other legal mechanisms. Ron asked if they would coordinate roads and trails with USFWS, and Bob responded affirmatively. David told the Board to remember this is an issue related to the RI/FS in that this is a proposed remedy but the RFCA parties still have to decide on the final remedy. John said the IM/IRA is a decision document with regulatory standing which will ultimately be rolled into the final Sitewide documents such as the RI/FS and CAD/ROD. Lorraine asked if DOE had looked at the cost of long-term monitoring versus removal and restoration. John replied they had taken a broadbrush look at a rough cost difference, and long-term monitoring is much more cost effective since complete removal would cost several hundred million dollars.

Bob concluded by providing status of the IM/IRA. The draft document will be out for public comment by October or November; the geotechnical investigation and design and surface hot spot removal are planned for FY04, and the remedial action for FY05.

Public Comment

There was no public comment.

Intergovernmental Agreement

David Abelson explained they are trying to expedite the review of the intergovernmental agreement (IGA) so all current Board members are involved in the renewal. David stated that in drafting the revised IGA he wanted to accomplish the following: 1) provide a basis to complete obligations under the current IGA while creating latitude for the Coalition to exist post-closure to provide continuing oversight; 2) update the IGA in terms of the Coalition's mission between now and closure, reflecting the Coalition's current identity while still capturing the Coalition's history; and, 3) minimize any changes to the legal language of document since it had already been approved by all seven governments' lawyers. David also pointed out a change in the provisions for *ex-officio* members, moving the decision on the number of *ex-officios* to the by-laws instead of the IGA to allow for greater latitude post-closure in defining the Coalition's role.

Karen Imbierowicz asked what the signature page would look like. David said there is a signature page for each government and it usually requires a council resolution or vote from each government. Lorraine Anderson said signatures would be determined by how each government does its business. The Board then discussed timelines and David said he assumed Barb Vander Wall would get copies of the draft IGA to governments by the end of the week so that the IGA might be finalized by November. The Board had no objections.

Round Robin

There was no further comment from the Board.

Big Picture

David Abelson reviewed the Big Picture. Topics scheduled for the October Board meeting (to be held September 29th) include a briefing on the Rocky Flats Cold War Museum and the Kaiser-Hill workforce restructuring plan and results.

The meeting was adjourned by Lorraine Anderson at 10:38 a.m.

Respectfully submitted by Kimberly Chleboun, Program Manager

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